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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,961	08/02/2001	Yashwanth Kumar Rajaram	OR01-02701	7661
22835	7590	01/12/2005	EXAMINER	
c/o A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 09/921,961	<b>Applicant(s)</b> RAJARAM, YASHWANTH KUMAR
	<b>Examiner</b> John M Winter	<b>Art Unit</b> 3621

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 November 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,4-9,12-17 and 20-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,9 and 17 is/are rejected.

7)  Claim(s) 4-8,12-16 and 20-24 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 1,4-9,12-17 and 20-24 remain pending.

### *Response to Arguments*

The Applicants arguments filed on November 4, 2004 have been fully considered. The Examiner states that the amended claims are rejected in view of newly discovered reference Mandelbaum et al. (US Patent 5,544,246). See following rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., (US Patent No 5,590,197) in view of Franklin et al (US Patent No 6,000,832) and further in view of Schneier (Applied cryptography 2<sup>nd</sup> edition and further in view of Mandelbaum et al. (US Patent 5,544,246).

As per claim 1,

Chen et al. ('197) discloses a method that facilitates secure electronic commerce, comprising:

providing a consumer with a file of security data relating to an account maintained by a financial institution;(Column 6, lines 12-18)

creating a financial transaction between the consumer and a merchant, wherein the financial transaction is protected using security data from the file, and wherein the financial transaction is structured to contain an account number in a form that is undecipherable by the merchant, thereby prevent the merchant from knowing the account number for the account;(Column 6, lines 33-38)

requesting by the merchant that the financial institution authorize the financial transaction;(Column 6, lines 51-54)

receiving by the merchant an authorization from the financial institution to complete the financial transaction;(Column 6, lines 55-57)

Chen et al. ('197) does not explicitly disclose validating by the merchant that the financial institution identified by the financial transaction is acceptable using security data from the file; completing the financial transaction between the consumer and the merchant; and

notifying the financial institution that the financial transaction is complete. Franklin et al ('832) discloses validating by the merchant that the financial institution identified by the financial transaction is acceptable using security data from the file;(Column 2, lines 47-60) completing the financial transaction between the consumer and the merchant;(Figure 7) and notifying the financial institution that the financial transaction is complete.(Figure 7) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al method with the Franklin et al method in order to allow the merchant to realize a profit from the sale of merchandise.

Chen et al. ('197) does not explicitly disclose wherein the file of security data includes: a consumer identifier. a private key for encryption and authentication of data- a first public key related to the private key for decryption and authentication of data an identifier identifying the financial institutions a second public key belonging to the financial institutions the account number that has been encrypted with a key known only to the financial institution creating an encrypted account number, a first certificate supplied by a recognized certificate authority that validates the financial institutions a second certificate signed by the financial institution that validates the consumer. And computer algorithms to use the file of security data. Schneier discloses wherein the file of security data includes: a consumer identifier. a private key for encryption and authentication of data a first public key related to the private key for decryption and authentication of data an identifier identifying the financial institutions a second public key belonging to the financial institutions the account number that has been encrypted with a key known only to the financial institution creating an encrypted account number, (Pages 41-44, "Digital signatures with encryption") a first certificate supplied by a recognized certificate authority that validates the financial institutions a second certificate signed by the financial institution that validates the consumer. And computer algorithms to use the file of security data.(Pages 42-434, "Resending the message as a receipt") It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al method with the Schneier method in order to allow the merchant to realize a profit from the sale of merchandise

Chen et al. ('197) does not explicitly disclose the file of security data is provided to the consumer on a smart card. Mandelbaum et al. ('246) discloses the file of security data is provided to the consumer on a smart card. (Figure 2) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al method with the Mandelbaum et al. ('246) method in order to allow the consumer have a portable credential.

Claims 9 and 17 are in parallel with claim 1 and are rejected for at least the same reasons.

#### *Allowable Subject Matter*

Claims 4-8, 12-16 and 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW  
January 10, 2005

JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600